

## Draft Bi-Annual Code Changes List - Summer 2006

### Slate #2

(Revised October 24, 2006)

#### Title 6, Development Fees

##### 1. Table 6.110A.010 – Preliminary Plan Review Fees

Amendments are proposed as follows:

Table 6.110A.010 – Preliminary Plan Review Fees		
Section	Activity	Fee
<b>2</b>	<b>Planning Fees</b>	
<b>J</b>	<b>Habitat Conservation<sup>12</sup></b>	
I	Clearing permit	541
II	Habitat predetermination	85
III	Stewardship plan	0
IV	<del>Habitat only</del> Programmatic permit – Type I	1,400
V	<del>Habitat only</del> Programmatic permit – Type II	2,800
VI	<del>Habitat only</del> Programmatic permit – Re-authorization	700
<del>VII</del>	<del>Combined habitat/wetland programmatic permit – Type I</del>	<del>2,520</del>
<del>VIII</del>	<del>Combined habitat/wetland programmatic permit – Type II</del>	<del>5,040</del>
<del>IX</del>	<del>Combined habitat/wetland programmatic permit – Re-authorization</del>	<del>1,260</del>
<del>X</del>	Agricultural management plan	0
<del>XI</del>	<del>Habitat public interest exception</del>	<del>7,500</del>
<b>S</b>	<b><del>Programmatic Habitat and Wetland Permits</del></b>	
<del>I</del>	<del>Individual Type I review</del> 1,400	1,400
<del>II</del>	<del>Individual Type II review</del> 2,800 (plus SEPA fees)	2,800 (plus SEPA fees)
<del>III</del>	<del>Individual reauthorization review</del>	700
<del>IV</del>	<del>Combined Type I review</del>	2,520
<del>V</del>	<del>Combined Type II review</del>	5,040 (plus SEPA fees)
<del>VI</del>	<del>Combined reauthorization review</del>	1,260
<b>T S</b>	<b>Renoticing<sup>3</sup></b>	
<b>U T</b>	<b>Reporting – Application and Permit information<sup>8</sup></b>	
<b>V U</b>	<b>SEPA Review</b>	
<b>W V</b>	<b>Sewer Waiver</b>	
<b>X W</b>	<b>Shoreline Permit</b>	
<b>Y X</b>	<b>Short Plat</b>	
<b>Z-Y</b>	<b>Sign</b>	
<b>AA Z</b>	<b>Site Plan Review – Residential</b>	
<b>AB AA</b>	<b>Site Plan Review – Nonresidential</b>	
<b>AC AB</b>	<b>Special Valuation – Historic Preservation</b>	

<b>AD AC</b>	<b>Subdivision</b>	
<b>AE AD</b>	<b>Variance</b>	
<b>AF AE</b>	<b>Wetland Protection<sup>9, 12</sup></b>	
I	Predetermination	443
II	Wetland permit/Type I	700
III	Wetland permit/Type II	1,580
IV	Wetland permit/Type III	7,500
<u>V</u>	<u>Wetland only Pprogrammatic permit – Type I</u>	<u>1,400</u>
<u>VI</u>	<u>Wetland only Pprogrammatic permit – Type II</u>	<u>2,800</u>
<u>VII</u>	<u>Wetland only Pprogrammatic permit – Re-authorization</u>	<u>700</u>
<u>VIII</u>	<u>Combined wetland/habitat programmatic permit – Type I</u>	<u>2,520</u>
<u>IX</u>	<u>Combined wetland/habitat programmatic permit – Type II</u>	<u>5,040</u>
<u>X</u>	<u>Combined wetland/habitat programmatic permit – Re-authorization</u>	<u>1,260</u>
<b>AG AF</b>	<b>Zone Change</b>	

## Notes:

- 1 Boundary line adjustment does not include legal lot determination fee.
- 2 Conditional use planning fee reduced by twenty-five percent (25%) when submitted concurrently with site plan.
- 3 Written request for rescheduling and renoticing of the hearing will be accepted by the applicant if filed within fourteen (14) days of the original mailing of the public hearing notice. After this fourteen (14) day period only requests for a hearing continuance will be accepted.
- 4 No sign fee required.
- 5 Includes stormwater and transportation review.
- 6 Review and approval fee not required for single-family homes in multifamily zones, if submitted with land division application.
- 7 If accepted, paid at time of application. If denied, included with and paid at time of pre-application.
- 8 Cost recovery—Applicant will be required to sign an agreement that they will pay actual costs of review. Actual costs will be salary and benefits for employees performing work plus overhead at the rate of thirty percent (30%). The applicant will be sent an itemized billing.
- 9 The director may waive a part or all of the wetland permit fees for wetland and buffer enhancements, provided (1) the project is not intended to mitigate for wetland buffer impacts, and (2) the project is not the result of an enforcement action.
- 10 If projects with an approved conditional use permit, planned unit development, or master plan paid for preliminary stormwater and transportation plan reviews at the time of the CUP, PUD, or master plan application, subsequent stages of development in accordance with the PUD or master plan are exempt from preliminary stormwater and transportation plan reviews.
- 11 For review of projects authorized for overtime, an additional fifty percent (50%) will be added to the permit fees, as applicable.
- 12 ~~Programmatic habitat and wetland permits are addressed in Section 2.S of this table.~~  
(Sec. 3 (Exh. A) of Ord. 2001-12-09; amended by Sec. 1 (Exh. A) of Ord. 2002-03-12; amended by Sec. 1 (Exh. A) of Ord. 2002-11-07; amended by Sec. 6 of Ord. 2003-02-16; amended by Sec. 1 (Exh. A) of Ord. 2004-02-09; amended by Secs. 2 and 24 of Ord. 2004-06-11; amended by Ord. 2004-12-02; amended by Ord. 2005-12-01; amended by Sec. 2 of Ord. 2006-05-27; amended by Sec. 2 of Ord. 2006-06-09)

**Title 40, Unified Development Code**

**2. 40.200.040(C) Lot Area Calculations.**

Amendments are proposed as follows:

1. Lot area is the computed area contained within the lot lines excluding street or alley rights-of-way; except for in areas designated industrial urban reserve (UR-10, UR-20 and UR-40), urban reserve, urban holding (UH-5, UH-10, UH-20, and UH-40), rural (R-5, R-10 and R-20), agricultural (AG-20 and AW) and forest resource (FR-40 and FR-80) districts. In those districts, land dedicated or acquired hereinafter for public right-of-way shall not be excluded from the calculation of the lot sizes.

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**3. 40.260.100, Home Businesses-Major**

Amendments are proposed as follows:

**G. Home Businesses – Major.**

1. Home businesses that meet the standards in Section 40.260.100(D) and the following standards shall qualify as major home businesses:
  - a. In urban areas:
  - b. In rural areas:
    - (1) Accessory structures: see Table 40.260.100-1;
    - (2) Employees: see Table 40.260.100-1, with one (1) additional parking space for each nonresident employee;
    - (3) Customers: up to twelve (12) on-site customers per day;
    - (4) Outside storage: see Table 40.260.100-1;
    - (5) Vehicles/heavy equipment: see Table 40.260.100-1;
    - (6) Activity area: All outside activity must be located in a defined activity area that is visually screened from adjacent residences either by existing vegetation, terrain, or sight obscuring landscape/screening methods to at least an L3 standard as established in Section 40.320.010, and that is set back a minimum of fifty (50) feet from any property line. Except where terrain provides a sight-obscuring barrier, landscaping and screening shall be located on the subject property. Required landscaping and screening shall be the responsibility of the resident business owner;
    - (7) Hours of operation: 7:00 a.m. to 8:00 p.m. for on-site businesses;
    - (8) Incidental retail sales only;
    - (9) Minimum lot size: two and one-half (2.5) acres. Lot size calculations for area shall include right-of-way as per CCC 40.200.040(C) and/or deminimus standards set forth in CCC 40.520.010(G)

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**4. 40.260.110, Residential Infill, and 40.540.010 Boundary Line Adjustments**

Amendments are proposed as follows:

40.260.110(B), Applicability.

1. Eligibility Criteria. This section may be applied to parcels created by legal land division, consistent with Chapter 58.17 RCW prior to October 1, 2002, that remain in their 2002 configuration and meet all of the following:
  - a. The parcel is within an urban growth area adopted prior to December 31, 1994, and is within the R1-5, R1-6 or R1-7.5 zoning district; and
  - b. The maximum gross size of the parcel area is two and one-half (2.5) acres or smaller. In existing subdivisions recorded after December 31, 1961, if all contiguous lots are developed with existing dwellings, the gross size of the parent parcel must be at least 20,000 square feet; and
  - c. The proposed development can and will be served by urban services at the time of final plat approval; and
  - d. There is urban development abutting the subject site on at least fifty percent (50%) of its non-street perimeter. For the purposes of this section, "non-street perimeter" shall mean that portion of the perimeter of the parcel that is not abutting a public street. Where there is no abutting public street, the entire perimeter is used for measurement.

#### 40.540.010, Boundary Line Adjustments

Add a new provision (C), renumber sections as follows:

- A. A boundary line adjustment (BLA) is a division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
- B. Boundary line adjustments recorded through the County Assessor's office do not ensure such adjustments meet current zoning requirements. BLA applications approved through the Department of Community Development ensure compliance with current zoning requirements, and are reviewed and approved through a Type I process, pursuant to Section 40.510.010.
- C. Boundary line adjustments to parcels that were legally subdivided prior to October 1, 2002, may not be proposed to create eligibility for infill development pursuant to CCC Section 40.260.110.
- CD. Blanket utility easements existing along lot lines, that are specifically required as a condition of development approval, may be moved during a boundary line adjustment; provided, there is compliance with RCW 64.04.175 and the easement is not occupied by a utility. If the easement is occupied, this provision is inapplicable, and the provisions of Section 40.540.120 and RCW 64.04.175 shall apply.
- DE. Application submittal requirements for BLAs include:.....

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## 5. 40.260.240, Utilities

Amendments are propose as follows:

D. Garden sheds exempted from the requirement to obtain a building permit are allowed to propose encroachment into recorded, unused, interior side-yard and rear-yard utility easements in Single Family Residential Districts (CCC 40.220.010), provided the sheds are located inside the applicant's property boundary, waivers are obtained from all utilities and provided the owner of the lot agrees in writing to remove the shed at his/her own expense should the utilities ever need to exercise easement rights. The county will consider such requests through the garden shed waiver process (CCC 40.200.070(A)(4)).

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## **6. 40.260.250, Wireless Communication Facilities**

Amendments to Section 40.260.250(F) are proposed as follows:

### **F. Design Standards.**

#### **3. Landscaping and Screening.**

- a. A landscaping and screening plan shall be submitted with all new support tower applications.
  - b. Screening. Screening of new towers with existing tower-obscuring vegetation or buildings is preferred. If this requirement cannot be met, new support towers shall be screened with vegetation appropriate to the site, unless incompatible with the general surroundings and environment in the area. Such vegetation shall consist of a mix of native tree species that will reach a height of thirty (30) feet or more and be eighty percent (80%) opaque year-round. Planted evergreen species shall be fully branched and a minimum of six (6) feet high when planted. The required screening shall be permanently maintained in accordance with the provisions of Section 40.320.010.
  - c. Landscaping. All new support towers and associated structures shall be fully enclosed within a minimum six (6) foot high gated and locked security fence. A minimum five (5) foot landscape buffer shall be established surrounding the enclosure, containing landscape plantings meeting the L3 standard as described in Section 40.320.010. A wall or fence may be substituted for the required shrubs where compatible with the general surroundings and environment of the area. Fencing, and landscaping, and screening are not required on any side of the site made up by existing buildings. The required landscaping shall be permanently maintained in accordance with the provisions of Section 40.320.010. The responsible official may wave all or portions of this requirement subject to the following findings:
    - (1) The electrical equipment control box is fully enclosed and secured from access by the public.
    - (2) The waiver will encourage support tower design that is more compatible with the site setting and surrounding uses.
  - d. Owner Assurances. To assure continued compliance with landscaping and screening requirements, a covenant or other appropriate instrument may be required from the property owner.
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**7. 40.260.250, Wireless Communication Facilities**

Amendments to section (G), Permit Process are proposed as follows:

2. Application Submittal. Applications for the location and development of wireless communications facilities shall include the following:

a. For all facilities Wireless Co-Location Applications:

- (1) A written narrative that addresses the following: demonstrating
    - (a) How the proposal application meets or exceeds each of the applicable approval criteria and standards; in Sections 40.260.250(D), (E) and (F).
    - (b) How the proposed plan meets the minimum area and dimensions of the base zone;
    - (c) How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site
  - ~~(3)~~ (d) A comprehensive description of the existing or proposed facility including the technical reasons for the design and configuration of the facility, design and dimensional information, anticipated coverage of the facility, and the ability to accommodate future collocation opportunities.
  - ~~(4)~~ (e) If camouflage technology is proposed, the applicant shall provide a complete description of the suggested camouflage, including style and materials to be used, a photographic depiction of the proposed facility, and a maintenance plan detailing provisions for the continued effectiveness of the suggested camouflage for the life of the facility.
  - ~~(6)~~ (f) An analysis of the proposal area and discussion of factors influencing the decision to target the proposed location. Such analysis shall include the good faith efforts and measures taken to secure a higher priority location; how and why such efforts were unsuccessful; and how and why the proposed site is essential to meet service demands for the geographic service area.
  - (g) The frequency of vehicular trips the proposal could be expected to generate.
- (2) A site plan that ~~meets the requirements of Section 40.510.050.~~ is drawn to a minimum engineer's scale of 1" = 200' on a sheet no larger than 24" x 36". The following information shall be clearly depicted:
- (a) Applicant's name, mailing address and phone number;
  - (b) Owner's name and mailing address;
  - (c) Contact person's name, mailing address, and phone number;
  - (d) North arrow (orientated to the top, left or right of page) scale and date;
  - (e) Proposed name of project;
  - (f) Vicinity map covering ¼ mile radius from the development site (not required for rural area plans); and,
  - (g) Area of the site in acres or square feet.
  - (h) Existing Conditions on the site
    - (i) the entire parcel, drawn to scale, with property lines, north arrow (orientated to the top, left or right of page), footprint of existing structures and driveways, parking spaces, abutting streets (name, centerline, curb & sidewalk), and existing fire hydrants;
    - (ii) The location of existing wells & septic systems;
    - (iii) Location and full width of existing easements for access, drainage, utilities, etc.;

- (iv) The locations of any existing environmentally sensitive areas (e.g. wetlands, water bodies, steep slopes etc.) on the site, as indicated in the GIS materials;
      - (v) Indicate the existing surfacing and features on all portions of the site, such as asphalt, landscaping, lawn, gravel, stormwater swale, etc; (as applicable); and,
      - (vi) Elevation drawings of existing site and facility, including the tower, equipment structures, antennas, mounts and, if applicable, existing structures. Other applicable features, including but not limited to security fencing and screening, shall be included.
    - (i) Proposed Improvements
      - (i) Show the location of all proposed structures, driveways and roads, easements, number and layout of proposed parking spaces; (as applicable) and proposed location of fire hydrants;
      - (ii) Landscape plan if landscaping is proposed;
      - (iii) Elevation drawings of the proposed site and facility changes.
  - (43) Documentation that establishes the applicant's right to use the site shall be provided at the time of application by a copy of the proposed lease agreement, easement agreement, or license agreement or letter of authorization to use the facility from the owner of the support structure.
- b. Additionally, fFor nNew sSupport tTowers Applications:
  - (1) A written narrative that addresses the following:
    - (a) How the application meets or exceeds each of the applicable approval criteria and standards;
    - (b) How the proposed plan meets the minimum area and dimensions of the base zone;
    - (c) How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site;
    - (d) A comprehensive description of the existing or proposed facility including the technical reasons for the design and configuration of the facility, design and dimensional information, anticipated coverage of the facility and the ability to accommodate future co-location opportunities.
    - (e) If camouflage technology is proposed, the applicant shall provide a complete description of the suggested camouflage, including style and materials to be used, a photographic depiction of the proposed facility, and a maintenance plan detailing provisions for the continued effectiveness of the suggested camouflage for the life of the facility.
    - (f) An analysis of the proposal area and discussion of factors influencing the decision to target the proposed location. Such analysis shall include the good faith efforts and measures taken to secure a higher priority location; how and why such efforts were unsuccessful; and how and why the proposed site is essential to meet service demands for the geographic service area.
    - (g) An analysis of existing WCFs within the intended service area, describing the status of collocation opportunities at these sites.
    - (h) The proposed frequency of trips the proposal could be expected to generate.

- (2) A site plan is drawn to a minimum engineer's scale of 1" = 200' on a sheet no larger than 24" x 36". The following information shall be clearly depicted:
  - (a) Applicant's name, mailing address and phone number;
  - (b) Owner's name and mailing address;
  - (c) Contact person's name, mailing address, and phone number;
  - (d) North arrow (orientated to the top, left or right of page) scale and date;
  - (e) Proposed name of project;
  - (f) Vicinity map covering ¼ mile radius from the development site (not required for rural area plans); and,
  - (g) Area of the site in acres or square feet.
- (4) (h) An aerial photograph, which clearly indicates the location of the proposed facility in relation to:
  - (a) (i) Significant features within one thousand three hundred twenty (1,320) feet including, but not limited to, existing and/or proposed site structures, public rights-of way, residential developments, adjacent land uses, and properties used for public purposes;
  - (b) (ii) Governmental jurisdictional boundaries within five hundred (500) feet of the proposal boundaries; and
  - (c) (iii) Cliffs, snags, talus, Oregon white oak woodlands, urban natural open space, waterfowl habitat and bald eagle foraging areas within one thousand (1,000) feet as defined by the Washington Department of Fish and Wildlife as Priority Habitats and Species areas subject to Chapter 40.440.
- (7) (iv) The application materials shall include a photographic analysis of the proposed site, including a representation of existing conditions and photographic simulations depicting views of any new support structures or towers.
- (2) (v) Elevation drawings of the proposed site and facility, including the tower, equipment structures, antennas, mounts and, if applicable, any existing structures. Other applicable features, including but not limited to security fencing and screening, shall be included.
- (4) (vi) a detailed landscaping and screening plan, including existing and proposed vegetation, installation procedures, and landscaping/screening maintenance plans in accordance with Section 40.320.030.
- (8) (vii) Any additional applicable information the responsible official deems necessary to adequately review the proposal.
- (43) Documentation that establishes the applicant's right to use the site shall be provided at the time of application by a copy of the proposed lease agreement, easement agreement, or license agreement
- (34) Evidence that a neighborhood meeting has been held in compliance with the neighborhood meeting requirements set forth in Section 40.260.240(G)(3).
- (5) Applicants shall present an analysis of existing WCFs within the intended service area, describing the status of collocation opportunities at these sites.
- (6) The application materials shall include a report stamped, dated and signed by a licensed professional engineer registered in the state of Washington demonstrating the following:
  - (a) The facility complies with all requirements of the International Building Code;
  - (b) The structural capability of the facility will support collocated antennas (if applicable);



- (c) The facility complies with all applicable standards of the FAA and FCC, including RF energy standards.
  - (d) The basis for the calculation of capacities.
  - (7) The location of new support towers in relation to any national wildlife refuge.
  - (8) Applicants shall provide evidence of compliance with FAA requirements at the time of application.
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**8. 40.350.030, Street and Road Standards**

Amendments to section B(2), Circulation Plan are proposed as follows:

- c. Review Criteria for an Urban Circulation Plan.
    - (1) Cross-Circulation. Cross-circulation shall be provided ~~in a manner, where possible, that will allow subsequent developments to meet these standards as follows:~~
      - (a) Block Length. Block lengths shall be between one hundred (100) to eight hundred (800) feet; provided, that where a block is partially defined by an arterial or industrial road the block lengths along the arterial shall be no less than the minimum full access intersection spacing specified in Table 40.350.030-2 through Table 40.350.030-6.
      - (b) Block Perimeter. The block perimeter shall not exceed three thousand two hundred (3,200) feet unless accessway(s) for pedestrian or bicycle circulation are provided or where topographic or other physical constraints preclude achieving this standard.
      - (c) Public parks may be exempted from cross-circulation requirements by approval of a road design modification pursuant to 40.550.010 where the responsible official determines that imposition of requirements bisects parks into smaller, less functional spaces or creates maintenance inefficiencies, or significant safety risk for users or liability for the county.
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**9. 40.350.030, Street and Road Standards**

Amendments to section (B)(3), Transportation Design Criteria are proposed, as follows:

- 3. The design criteria set out in Tables 40.350.030-2 through 40.350.030-6 are adopted as a portion of the Clark County standard specifications. Such criteria are applicable to roads located within and adjacent to a development. These criteria are intended for normal conditions. The responsible official may require higher standards for unusual site conditions.
  - a. Sidewalks may be allowed within easements only where it is demonstrated that such sidewalks can not be located within the established public right-of-way or private roadway tract due to natural features (e.g., significant trees, rock outcroppings, steep topography, etc.) that should be preserved:

*All applicable notes on standard plans and details need to be revised.*

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**10. CCC40.350.030, Street and Road Standards**

Amendments to section B(4), Access Management are proposed as follows:

- d. Access to Arterials. In order to limit the number of residential roads intersecting with arterials while providing adequate neighborhood circulation ..... In those cases in which an urban access street less than thirty-six (36) feet wide is approved, such street shall have a minimum width of thirty-six (36) feet at the intersection with the arterial and shall be tapered ~~as shown on the standard plans~~ with a taper rate approved by the responsible official.

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**11. 40.380.020, Stormwater and Erosion Control, Applicability**

Amendments to sections B and D are proposed as follows:

**40.380.020(B)**

Development Activity. In this section, "development activity" means actions meeting the applicability criteria of Sections 40.380.020(D)(1) through (D45).

**40.380.020(D)**

1. Results in five thousand (5,000) square feet or more of new impervious area within the rural area;
2. Results in two thousand (2,000) square feet or more of new impervious surface within an urban area;
3. Results in the addition or replacement of more than one thousand (1,000) square feet of impervious surface for any of the development activities, or redevelopment listed in Sections 40.380.040(B)(7)(a) and (B)(7)(b), building areas excluded; or
4. Results in the platting of single-family residential subdivisions in an urban area;
5. If redevelopment that results in five thousand (5,000) square feet or more of replaced impervious surface then is subject to the provisions of Section 40.380.040(B)(3) apply.

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**12. 40.380.030, Stormwater and Erosion Control, Exemptions and Exceptions**

Amendments to section A, Exemptions, are proposed as follows:

3. Land-disturbing activities of less than one (1) acre that do not result in additional or replaced impervious surface are exempt from Sections 40.380.040(B) and (C);
9. Park development projects that meet the following standards:
  - a. There is no concentration of impervious surface, such as a complex of basketball courts, 5000 square feet or more in area. Sidewalks, pedestrian pathways and bike paths are not considered "concentrated" facilities;
  - b. Impervious surfaces do not exceed 3% of the total site area; and
  - c. 97% or more of the park consists of natural areas, forest, lawn, or other landscaping capable of both treatment and retention or infiltration of stormwater.
910. Government Agency Projects. Development activities and drainage projects undertaken by governmental agencies are exempt from Section 40.380.040(J);
4011. A preliminary stormwater plan is not required when a development is already provided for in a previously approved plan;
4412. Agriculture. In this section, agricultural uses must occur on property that is either:.....

**13. 40.380.040, Stormwater Control**

Amendments to section B, Water Quality Treatment are proposed as follows:

2. Off-Site Analysis.

- e. Except within the Lacamas Basin where additional nutrient removal treatment is required pursuant to 40.380.040(B)(5), treatment of runoff from sidewalks, pedestrian pathways and bike paths is not required if the stormwater drains away from roadways. Runoff from sidewalks, pedestrian pathways and bike paths that mix with roadways will require treatment.

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**14. 40.380.060(C), Preliminary Stormwater Plan Submittals**

Amendments to section 2, Types of Development Activity and Redevelopment are proposed as follows:

- k. Review and Approval. For proposals connected with a land use application requiring a public hearing, the preliminary stormwater plan shall be heard and decided in accordance with the procedures applicable to the land use application. All other preliminary stormwater plans shall be acted on by the responsible official within thirty (30) days following submittal of a preliminary stormwater plan meeting the submittal requirements of this section concurrent with the timeline for the preliminary land use decision;

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**15. Section 40.500.010, Summary of Procedures and Processes.**

Amendments are propose to section A, Purpose and Applicability as follows:

- 3. Authorization for Similar Uses. The responsible official may determine that a use, not specifically named in the allowed uses of a district, may be included among the allowed uses; provided: ~~however, that a~~
  - a. For uses within non-industrial zoning districts, the use proposed for a similar use determination is not already allowed in any other non-industrial zoning district; or, ~~except the industrial zoning districts, may not be permitted~~
  - b. For industrial zoning districts, the use is not already allowed in any other industrial zoning district.

The responsible official must find that the proposed use is similar in nature and has impacts on adjacent land uses and property similar to uses already allowed in the district. When this determination is made in conjunction with another application it shall be considered as the same type and subject to the same appeals process, pursuant to Chapter 40.500, as the associated application. When this determination is made without any associated application, but for a specific lot, it shall be considered a Type II process. If this determination is made without any associated application, and without a specific lot identified it shall be considered as a Type I process. Theis Type I determinations may be appealed at this stage or when the determination is used in a subsequent application for development.

**16. 40.510.030, Type III Process**

Amendments to provisions relating to public notice signs are proposed, as follows:

**40.510.030(E)(3), Public Notice Distribution**

- c. The county shall post the notice in a conspicuous place visible to the public in at least three (3) locations on or in the vicinity of the property subject to the application at least fifteen (15) calendar days before the hearing, and the applicant shall remove and properly dispose of the notices within seven (7) calendar days after the hearing.
  - (1) The notice shall be posted on a signboard provided by responsible official for that purpose. The signboard shall state the date, time and place of the hearing; the project name; the case number(s); the nature and location of the proposal and instructions for obtaining further information and, if one is provided, the telephone number where the applicant can be contacted for more information.
  - (2) The responsible official shall execute an affidavit certifying where and when the notices were posted.
- d. The applicant shall post one 4 foot x 8 foot sign board on the property subject to the development application as follows:
  - (1) Location. The board shall be installed at the midpoint along the site street frontage at a location five feet inside the property line, or as otherwise directed by the responsible official to maximize visibility.
  - (2) Required Information. The sign shall include the following information:
    - (a) The project name, a brief description (i.e. 100 single family lots; 50,000 square feet of retail commercial space; etc.) case number, public hearing date, time and location.
    - (b) The telephone number and internet address through which interested parties may contact the County for additional information.
    - (c) The preliminary land subdivision, site plan or other plot plan view depicting the applicable development permit request.
    - (d) The name of the applicant's contact and his or her telephone number, should interested parties wish to contact the applicant directly.
    - (e) The sign shall be laminated or made of materials that will endure inclement weather conditions typical of Clark County.
    - (f) The responsible county official shall provide the applicant a template for the sign.
  - (3) Construction Specifications. The sign board shall be constructed with 4 foot x 8 foot plywood and secured with at least two 4 inch by 4 inch posts. The board shall be affixed to the posts with at least two 5-inch long 3/8-inch diameter bolts, washers and nuts per post. Bracing shall be provided in order for the sign board to withstand high wind conditions that may occur. Posts shall be dug 24-36 inches into the ground for stability. The top of the sign board shall be designed to be between 7 and 8 feet above grade.
  - (4) Installation and Removal Requirements. The sign board, including all required information per 40.510.030(E)(3)(d)(2) shall be installed on the site at least 30 calendar days in advance of the public hearing. The applicant

shall maintain the sign board in good condition throughout the application review period, which shall extend through the time of the final county decision on the proposal including the expiration of the applicable appeal period of the hearing's examiner's decision and Board of County Commissioner action on the appeal, if submitted. If the sign board is removed, county review of the land use application may be discontinued until the board is replaced and has remained in place for the required period of time. The applicant shall remove the sign board within fourteen calendar days after final county decision on the application, including expiration of applicable appeal periods.

- (5) Affidavit of Installation. The applicant shall execute an affidavit certifying where and when the sign board was posted and submit to the responsible official for inclusion in the project file.
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**17. 40.520.040, Site Plan Review**

Amendments to 40.520.040(A)(3), Applicability and Review Process, are proposed as follows:

3. A site plan is subject to a Type I review process as provided in Section 40.510.010 if:
    - a. It is not subject to Type II review under Section 40.520.040(A)(2);
    - b. It is not exempt under Section 40.520.040(A)(4); or
    - c. It is expressly listed below:
      - (1) Portable, walk-up vendors such as espresso and coffee carts, flower stands and food carts, which meet the following criteria:
        - (a) The use shall be portable (not permanently connected to public or private sewer or water facilities and equipped with mechanisms to readily remove structure);
        - (b) The structure shall not exceed three hundred (300) square feet;
        - (c) The use shall not incorporate a drive-through.
      - (2) Neighborhood parks.
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**18. 40.520.080, Planned Unit Development**

Amendments to section D, Uses Permitted, are proposed as follows:

**D. Uses Permitted.**

Any use consistent with ~~the comprehensive plan and permitted in any of the zone districts contained in this title~~ designated for the parcel(s) within the proposed planned unit development boundary may be permitted in planned unit developments ~~approval in accordance with the regulations regarding approval of the development plan.~~ approval in accordance with the regulations regarding approval of the development plan. The location of the uses in planned unit developments may vary from underlying zoning; provided, that the total allowed uses (e.g., number of residential uses or area assigned to commercial use) was limited by the maximum allowed on each respectively zoned parcel. Approval shall be by either of the following:

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**19. Section 40.550.010, Modifications and Variances**

Amendments are proposed to section 40.550.010(A), Road Modifications Criteria, as follows:

3. During the 1970s and 1980's several counties in the state of Washington, including Clark County, experienced historically high population growth rates. To address issues associated with rapid growth, the legislature enacted the Growth Management Act which requires that urban growth areas be sized to accommodate growth and prevent urban sprawl by focusing development in underdeveloped portions of an urban area. The board therefore finds and concludes, consistent with that legislation, that right-of-way dedicated, frontage improvements and crossroads constructed in urban growth areas in Clark County will be substantially completed within the twenty-(20-) year period provided in RCW 36.70A.110 in the absence of geographic or development constraints."
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